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17 IN THE UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19
20 UNITED STATES OF AMERICA, Plaintiff,
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22 v.
23 DAVID GARCIA, Defendant.

24 CASE NO. 1:22-CR-00308-NODJ-BAM
25 STIPULATION TO VACATE CHANGE OF PLEA
26 HEARING, SET A TRIAL DATE, AND EXCLUDE
27 TIME PERIODS UNDER THE SPEEDY TRIAL
28 ACT; ORDER
DATE: April 8, 2024
COURT: NODJ

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28 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
20 through defendant's counsel of record, hereby stipulate as follows:

21 1. By previous order, this matter was set for a change of plea hearing on April 8, 2024.
22 2. The parties stipulate and request the Court to vacate the change of plea hearing and set
23 the case for trial on January 28, 2025 at 8:30 a.m.
24 3. The parties are still anticipating a probable plea resolution but given that it has not been
25 solidified thus far, are requesting the trial date.
26 4. Defense counsel needs additional time to further review discovery, conduct further
27 investigation, and work with the defendant to be prepared to proceed to trial. Additionally, defense
28 counsel has reviewed his schedule and given other cases set for trial and other case obligations, January
29 28, 2025 provides the time needed to be fully prepared for this trial.

5. Based on the above-stated findings, the ends of justice served by continuing the case for a change of plea as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

6. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 8, 2024 through January 28, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

7. The parties agree and stipulate, and request that the Court find the following:

a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.

8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 29, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: March 29, 2024

/s/ ROBERT LAMANUZZI
ROBERT LAMANUZZI
Counsel for Defendant
DAVID GARCIA

ORDER

IT IS SO ORDERED that the Change of Plea hearing set for April 8, 2025, is vacated. A Jury Trial is set for **January 28, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Trial confirmation is set for January 13, 2025 at 8:30 a.m. in Courtroom 5 before the District Court Judge. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: March 29, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE